



Date: October 2, 2015

To: Thomas J. Bonfield, City Manager

Through: W. Bowman Ferguson, Deputy City Manager

From: Marvin G. Williams, Director of Public Works

Subject: Resolution Authorizing the City Manager and Delegees to Execute Encroachment Agreements with NCDOT and Railroad Companies

Executive Summary

The City of Durham is required to enter into encroachment agreements for construction or maintenance of City infrastructure within North Carolina Department of Transportation (NCDOT) or railroad companies' right of ways. Currently, the City Manager is authorized to execute some encroachment agreements on behalf of the City. The proposed resolution would allow the City Manager and his designees to execute all encroachment agreements on behalf of the City.

Recommendation

The Department of Public Works recommends that the City Council pass a Resolution authorizing the City Manager to delegate his authority to execute encroachment agreements with NCDOT and railroad companies to other City employees.

Background

The City of Durham is required to enter into encroachment agreements to maintain, repair and/or construct City infrastructure, such as City waterlines and sanitary sewers, within right of way owned by NCDOT or railroad companies.

The Durham City Council has, on two previous occasions, passed resolutions delegating the authority to the City Manager to sign some of these encroachment agreements (Resolution #1984, passed in 1975; and Resolution #2362, passed on February 20, 1978). Other encroachment agreements are submitted to the City Council agenda for approval.

The internal procedure to execute encroachment agreements that do not require City Council approval entails the routing of the agreements through the Department Director, Deputy City Manager, City Manager, and City Clerk. It takes approximately 5 business days to execute these encroachment agreements. Execution of encroachment agreements requiring City Council approval takes approximately 6 weeks.

Issues/Analysis

Staff requests that the authority to execute the specified encroachment agreements be extended to the City Manager and City Manager's designees to accelerate the approval process of all encroachment agreements.

Alternatives

The City Council may choose to not pass the resolution and encroachment agreements will continue to be executed per the previous resolutions (Resolution #1984 and Resolution #2362).

Financial Impact

There will be no financial impact to the City of Durham with this resolution.

SDBE Summary

This section is not applicable to this resolution.